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NAHB'S MULTIFAMILY COUNCIL

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April 15, 1996

RECEIVED

APR 15 1996

Mr. William F. Caton
 Acting Secretary
 Federal Communications Commission
 1919 M St. NW
 Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: IB Docket No. 95-59; Preemption of Local Zoning Regulation of Satellite Earth Stations

Dear Mr. Caton:

On behalf of the multifamily developer, owner and management, and owner members of the National Association of Home Builders (NAHB), I am writing to oppose the FCC's proposal to prohibit enforcement of nongovernmental restrictions on satellite antennas that are less than one meter in diameter. NAHB is a trade association representing the nation's housing industry. Our members are engaged in the construction and development of single family housing, the production and management of multifamily housing and the construction and management of light commercial structures. We are concerned that the Commission's proposal will adversely affect the operation and management of multifamily and commercial structures.

Not only is the FCC proposal unnecessary, since property owners are already taking steps to ensure that telecommunications service providers can serve their tenants and residents, but it is undesirable. The proposed rule will have the effect of interfering with effective property management. Generally, building owners are required to maintain the building in a safe condition for the benefit of residents and occupants. However, a building owner cannot maintain the building in a safe condition if individual residents and occupants are allowed to install telecommunications equipment on the property. For example, telecommunications equipment providers installing equipment on the roof would subject the roof to more wear and tear. Roofing contractors would not provide additional warranties for such providers' movements on the roofs. To attach the satellite cable to the resident's television, holes would have to be drilled either through the roof or through exterior walls. Such holes are sealed by soft, synthetic material, which tend to degrade and shrink more quickly than concrete. This degradation and shrinkage would compromise the structural integrity of the building, weakening the roofs and exterior walls. Water damage would be more probable as a result of such drilling.

Ms. Corleto
 4/15/96
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Mr. William Caton
April 15, 1996
Page Two

Considering the number of installations that may be necessary, the potential for damage escalates.

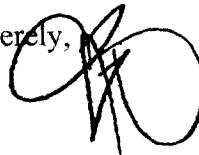
In addition to these potential problems, there is also a question of potential harm to residents and building occupants resulting from installation of satellite equipment. The weight or wind resistance of a satellite and the quality of installation may create maintenance problems, and could present a safety hazard to residents, building employees and passers-by. The building owner could be liable for damages to such persons even though the owner had nothing to do with installation. The owner may bear the ultimate responsibility when it is unclear which telecommunications provider caused the damage.

The proposal also raises the issue of aesthetic considerations. Although the Commission appears to minimize the importance of aesthetic issues, it is clear that the installation of numerous satellites on a building will reduce the building's attractiveness. Building owners recognize that attractiveness affects marketability. Most people prefer to live in attractive buildings and the sight of hundreds of satellite antennas bolted to the outside of the building would be unappealing to present and future residents.

Our members are committed to providing residents with the highest quality and most cost effective services. At the same time, we seek to protect the safety and security of the resident's property. This proposal interferes with the owner's private property rights and compromises the safety of building residents. We urge the Commission not to adopt this proposed rule.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to be "Joe Petersen", written over a large, stylized circular flourish.

Joe Petersen
Chairman, NAHB's Multifamily Council